

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : John Underwood
Serial No. : 09/651,907
Filed : August 30, 2000
For : METHOD AND APPARATUS FOR STORING WEB SITE
DATA BY WEB SITE DIMENSIONS AND GENERATING A
WEB SITE HAVING COMPLEMENTARY ELEMENTS
Examiner : Joshua D. Campbell
Art Unit : 2178

PETITION TO ACCORD APPLICATION STATUS UNDER 37 C.F.R. 1.47(a)

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

SIR:

The Applicant hereby petitions the Commissioner to accept the accompanying Declaration under 37 C.F.R. 1.47(a) signed by Gary EVESSON on behalf of non-signing inventors John UNDERWOOD, Paul NEILSON, Hanson CHAR, David SHING, Peter HORNER, Andrew Dean, Mark UNDERWOOD, and Darren SLANEY, all who cannot be found or reached after diligent effort. Applicants submit herewith an electronic payment in the amount of \$200.00 as payment of the Petition fee under 37 C.F.R. 1.17(g).

37 C.F.R. 1.47(a) provides, "If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(g), and the last known address of the nonsigning inventor" It is respectfully submitted that requirements for such an application, as set forth in 37 C.F.R. 1.47(a) and MPEP 409.03(a), are fulfilled by entry of this paper and the accompanying Declaration.

In the Examiner's Notice of Allowability on July 2, 2010, the Examiner required a substitute oath to correct the deficient earlier one. Pursuant to 37 CFR 1.47, the undersigned hereby states that a *bona fide* attempt to reach all the inventors has been made and diligently sought. All actions taken in such attempt were performed directly by the undersigned or were performed under the direction, supervision or control of the undersigned, in the ordinary course of business.

None of the inventors, except Gary EVESSON, have been able to be reached.

Applicants have been unable to secure an executed Declaration from inventor John UNDERWOOD, whose last known address was 311 Broadway Apt 3A, New York, NY 10007, whose citizenship is Australia.

Specifically, the effort to contact Mr. UNDERWOOD included:

1. A declaration and copy of the patent application as filed had been sent to John UNDERWOOD by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 25, 2010 with tracking number 7936 7287 8160.
2. An internet search was performed for this person.

Information evidencing the Federal Express and Internet search is attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Andrew DEAN, whose last known address was 250 E. 74th Street #2R, New York, NY 10021, whose citizenship is Australia.

Specifically, the effort to contact Mr. DEAN included:

1. A declaration and copy of the patent application as filed had been sent to Andrew DEAN by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 17, 2010 with tracking number 7987 6870 7199, and an attempted email.
2. An internet search was performed for this person.

Information evidencing the Federal Express and Internet search is attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Peter HORNER, whose last known address was 99 Battery Pl., New York, NY 10280, whose citizenship is Australia.

Specifically, the effort to contact Mr. HORNER included:

1. A declaration and copy of the patent application as filed had been sent to Peter HORNER by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 25, 2010 with tracking number 7936 7293 6751.
2. An internet search was performed for this person.

Information evidencing the Federal Express and Internet search is attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Mark UNDERWOOD, whose last known address was 427 E. 82nd Street Apt 7B, New York, NY 10028, whose citizenship is Australia.

Specifically, the effort to contact Mr. UNDERWOOD included:

1. A declaration and copy of the patent application as filed had been sent to Mark UNDERWOOD by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 25, 2010 with tracking number 7936 7295 8366.
2. An internet search was performed for this person.

Information evidencing the Federal Express and Internet search is attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Paul NEILSON, whose last known address was 75 West Street Apt 8L, New York, NY 10006, whose citizenship is Australia.

Specifically, the effort to contact Mr. NEILSON included:

1. A declaration and copy of the patent application as filed had been sent to Paul NEILSON by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 25, 2010 with tracking number 7936 7285 8720.
2. An internet search was performed for this person.

Information evidencing the Federal Express and Internet search is attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Darren SLANEY, whose last known address was 525 East 72nd Street Apt 7B, New York, NY 10021, whose citizenship is Australia.

Specifically, the effort to contact Mr. SLANEY included:

A declaration and copy of the patent application as filed had been sent to Darren SLANEY by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 25, 2010 with tracking number 7936 7298 9696.

Applicants have been unable to secure an executed Declaration from inventor David SHING, whose last known address was 279 East 44th Street Apt 9N, New York, NY 10017, whose citizenship is Australia.

Specifically, the effort to contact Mr. SHING included:

1. A declaration and copy of the patent application as filed had been sent to David SHING by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 25, 2010 with tracking number 7936 7291 6289.

2. An internet search was performed for this person.

Information evidencing the Federal Express and Internet search is attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Hanson CHAR, whose last known address was 40 West 55th Street Apt 7B, New York, NY 10019, whose citizenship is Australia.

Specifically, the effort to contact Mr. CHAR included:

1. A declaration and copy of the patent application as filed had been sent to Hanson CHAR by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 28, 2010 with tracking number 7987 9554 2556.

2. An internet search was performed for this person.

Information evidencing the Federal Express and Internet search is attached hereto.

Consequently, Applicant hereby petitions the Commissioner to accord this application status under 37 CFR 1.47 in a written decision on the petition.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

REMARKS AND CONCLUSION

This paper serves as a Petition under 37 C.F.R. 1.47(a) to consider this application as being filed on behalf of John UNDERWOOD, Paul NEILSON, Hanson CHAR, David SHING, Peter HORNER, Mark UNDERWOOD, Darren SLANEY, and Andrew DEAN by the joint inventor Gary EVESSON, such that the requirement set forth in the Notice to provide an executed declaration is hereby fulfilled.

It is respectfully submitted that the application now complies with all requirements set forth in the Notice. The Commissioner is hereby authorized to charge any additionally required fees or credit any overpayment in fees occasioned by this paper to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

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In the Examiner's Notice of Allowability on July 2, 2010, the Examiner required a substitute oath to correct the deficient earlier one. Specifically, Andrew Dean did not sign the previous Declaration. Applicant has attempted to contact all inventors; however, only Gary Evesson could be reached for signature.

Pursuant to 37 CFR 1.47, the undersigned hereby states that a *bona fide* attempt to reach all the inventors has been made and diligently sought. All actions taken in such attempt were performed directly by the undersigned or were performed under the direction, supervision or control of the undersigned, in the ordinary course of business.

None of the inventors, except Gary EVESSON, have been able to be reached.

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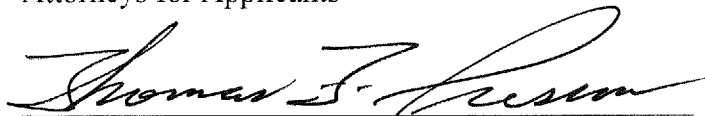
REMARKS AND CONCLUSION

This paper serves as a Petition under 37 C.F.R. 1.47(a) to consider this application as being filed on behalf of John UNDERWOOD, Paul NEILSON, Hanson CHAR, David SHING, Peter HORNER, Mark UNDERWOOD, Darren SLANEY, and Andrew DEAN by the joint inventor Gary EVESSON, such that the requirement set forth in the Notice to provide an executed declaration is hereby fulfilled.

It is respectfully submitted that the application now complies with all requirements set forth in the Notice. The Commissioner is hereby authorized to charge any additionally required fees or credit any overpayment in fees occasioned by this paper to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants



Thomas F. Presson
Reg. No. 41,442
Tel. No. (212) 588-0800
Fax No. (212) 588-0500

Attachments:

1. Unexecuted declaration listing 9 co-inventors;
2. Executed declaration executed by 8 co-inventors (Andrew Dean did not sign);
3. Declaration executed by Gary Evesson;
4. Fed Ex labels sent to 8 unavailable co-inventors;
5. Internet print-outs showing www.whitepages.com for 8 unavailable co-inventors.